

REMARKS

Claims 22-24, 27, 31-38, and 41 are currently pending in this application. Claims 22, 27, 31-34, 37, and 38 are amended. Claims 25, 26, 28-30, 39, and 40 are cancelled. No new matter is presented. Applicants gratefully acknowledge the indication of allowable subject matter. In view of the above amendments and the followings remarks Applicants request the favorable consideration and allowance of the pending claims.

The Examiner objected to the drawings for failing to show the feature of "width" and "closure element" and its associated "mouth" and "opening" as recited in claims 25, 26, and 29. Claims 25, 26, and 29 are cancelled. Therefore, Applicants request the withdrawal of the objection to the drawings.

Claims 25, 26, and 29 are rejected under 35 U.S.C. Section 112, first paragraph, as non-enabling. Claims 25, 26, and 29 are cancelled. Therefore, the rejection of claims 25, 26, and 29 is moot.

Claim 29 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claim 29 is cancelled. Accordingly, the rejection of claim 29 is moot.

Claims 22-29, 38, 39, and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Hagey (U.S. Patent No. 4,410,770). The Examiner takes the position that Hagey teaches or suggests all the features recited in claims 22-29, 38, 39, and 41. Applicants respectfully disagree.

Hagey discloses a microphone with a diaphragm with first and second surfaces, and a slit-shaped sound inlet forming an acoustic inductance as well as a damping element.

Claims 22 and 38 is amended to incorporate the allowable features of claim 30. Therefore, it is respectfully submitted that Hagey, as admitted by the Examiner, fails to teach or suggest the diaphragm fixing portion having an orifice which leads from a rear side of the microphone which faces away from a sound source to the second diaphragm surface and which is substantially closed by a sealing element, the slot-shaped sound inlet being formed between the sealing element and the diaphragm fixing portion. In view of the amendments to claims 22 and 38, Applicants request the withdrawal of the rejection of independent claims 22 and 38. Claims 25, 26, 28, 29 and 39 are cancelled. Therefore, the rejection of these claims is moot.

The remaining claims 23, 24, 27, and 41 depend from claims 22 and 38. Therefore it is respectfully submitted that these claims are also patentable for at least the reasons

mentioned above. Accordingly, Applicants request the withdrawal of claims 23, 24, 27, and 41 under 35 U.S.C. 102(b).

Based upon the above amendments and remarks, Applicant respectfully requests reconsideration of this application and its earlier allowance. Should the Examiner feel that a telephone conference with Applicant's attorney would expedite the prosecution of this application, the Examiner is urged to contact him at the number indicated below.

Respectfully submitted,

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